



Community Pointer: *Trump v. Casa, Inc.* – Supreme Court Enters Birthright Citizenship Foray But Limits Decision to Procedural Issue

July 2025

On Jan. 20, 2025, President Trump signed an [executive order](#) aimed at ending birthright citizenship for children born in the United States to a mother who is undocumented or who has temporary status and to a father who is not a U.S. citizen or lawful permanent resident. The following day, immigrant rights advocates filed a [lawsuit](#) against the U.S. government challenging the constitutionality of the executive order. As a result, a federal judge in Maryland granted a nationwide [preliminary injunction](#) that temporarily blocked the executive order from going into effect. Subsequently, two other federal judges, one in Seattle and the other in Massachusetts, granted similar preliminary injunctions. The Trump administration [requested](#) that the Supreme Court intervene and stay these preliminary injunctions on the basis that nationwide injunctions compromised the executive branch's ability to carry out its functions.

After hearing [oral arguments](#) in this case, the Supreme Court [ruled](#) in the government's favor on June 27, 2025. The Court found that federal district judges do not have the authority to impose nationwide injunctions to block federal policies such as executive actions. In the view of the majority, the district courts should have only ruled with respect to “each plaintiff with standing to sue.”¹ The Court extended the injunction, delaying the application of the president's executive order to children born in the United States until after July 27, 2025.

District Court Litigation Updates

Over the past several months, four federal district courts have moved swiftly to block the enforcement of the executive order affecting birthright citizenship.

In [Barbara v. Trump](#) (District of New Hampshire), Judge Joseph Laplante granted the American Civil Liberties Union's (ACLU's) application on July 10, 2025, for provisional class certification of all children affected by the order and issued a [nationwide preliminary injunction](#). The judge temporarily suspended the enforcement of the injunction for seven days, however, to allow the Department of Justice (DOJ) to file an appeal to the First Circuit. The provisional class is defined to include all persons born on or after Feb. 20, 2025, who would be denied citizenship under the Executive Order.

Current Status: The government did not file an appeal during the seven-day stay period. The nationwide preliminary injunction, therefore, is in effect as of July 18, 2025. All children born in

¹ *Trump v. CASA, Inc.*, 606 U.S. __ (2025)

the United States (past and future) will not be affected by the executive order unless the First Circuit or the Supreme Court overturns the district court's ruling.

In [*Washington v. Trump*](#) (District of Western Washington), Judge John C. Coughenour issued a preliminary injunction blocking enforcement of the executive order on Feb. 6, 2025. The DOJ filed an emergency request to the Ninth Circuit to lift that order so that the Executive Order could go into effect right away. The Ninth Circuit denied the request, meaning that the injunction stayed in place. After the Supreme Court's June 27, 2025, decision in *Trump v. CASA*, its scope is now confined to the named parties rather than all similarly situated individuals. On July 11, 2025, the parties filed supplemental briefs to the Ninth Circuit addressing the effect of the Supreme Court's decision in *Trump v. CASA*, Inc.

Current Status: On July 23, 2025, the Ninth Circuit [weighed in](#), finding the executive order invalid "because it contradicts the plain language of the Fourteenth Amendment's grant of citizenship to 'all persons born in the United States and subject to the jurisdiction thereof.'" The appellate court affirmed the lower court's preliminary injunction for the state plaintiffs but dismissed the individual plaintiffs' claims since they are covered by the certified class action in *Barbara v. Trump*.

In [*CASA v. Trump*](#) (District of Maryland), Judge Deborah Boardman halted enforcement on Feb. 5, 2025, and issued a nationwide injunction on behalf of five pregnant plaintiffs and CASA de Maryland, finding a strong likelihood of success on their Fourteenth Amendment challenge. As previously mentioned, the Supreme Court stayed the injunction on June 27, 2025, and ordered lower courts to enter relief no broader than necessary to provide relief to each plaintiff. Following the Supreme Court's decision, plaintiffs filed an [amended complaint](#), a [motion for class certification](#), and an emergency motion for a [temporary restraining order and preliminary injunction](#) on behalf of the proposed class. On July 11, 2025, the government filed its opposition to the plaintiff's motion for class certification.

Current Status: The district court indicated it [would grant class certification](#) on behalf of all U.S. born children affected by the executive order and issue a preliminary injunction blocking its enforcement. However, it withheld a final ruling pending remand from the Fourth Circuit, where the court's earlier injunction remains on appeal.

Meanwhile, in [*Doe v. Trump*](#) (District of Massachusetts) — which consolidated a suit brought by Massachusetts and New Jersey Attorneys General alongside several other states — the District Court granted a preliminary injunction on Feb. 13, 2025, blocking implementation of the order while the litigation proceeds. On July 3, the First Circuit formally remanded to the District Court "for the limited purpose of enabling the District Court to consider the bearing, if any, of th[e] guidance in *CASA* on the scope of the preliminary injunction," while also preserving jurisdiction over the broader appeal.

Current Status: On July 18, the District Court held a hearing to address the limited question of the injunction's scope. The Court of Appeals retains jurisdiction over the full appeal, with an oral argument set for early August.

Current Impact of the Supreme Court's Ruling in *Trump v. Casa, Inc.*

The practical effect of the Supreme Court's ruling in *Trump v. Casa, Inc.* centers on the scope of federal district courts' authority, rather than the constitutionality of the executive order. The Supreme Court's ruling restricts collective injunctive relief by requiring affected individuals to pursue separate challenges against the federal government rather than benefiting from broad, class-based protections. It leaves litigants seeking relief no choice but to pursue alternative routes to universal or nationwide injunctions, such as joining class action lawsuits or lawsuits brought by states. The decision also challenges the strength and reach of federal district courts across the country.

A class action lawsuit offers one potential alternative for pursuing collective relief. Given that multiple class action lawsuits have already been filed since the Supreme Court's decision was issued, it is clear that this will be utilized more often by plaintiffs challenging what they construe to be unconstitutional orders issued by the executive branch. Class actions are initiated by select, named individuals aiming to represent a broader group of people with identical claims. However, strict criteria determining who can be part of the class make it difficult to certify a class. The government is likely to challenge the certified classes in the birthright citizenship claims and argue that those individuals are not similar enough to form a cohesive class.

Another alternative route involves litigation brought by states against the federal government. States may challenge federal laws or actions that violate the Constitution, infringe on state sovereignty, or negatively impact state interests. Justice Amy Coney Barrett's majority opinion in *Trump v. CASA, Inc.* acknowledges that states may, in some cases, be entitled to broader injunctions than individual plaintiffs. When a state sues the federal government, a U.S. district court may grant sweeping relief to fully resolve the dispute. Unlike individual plaintiffs in a class action challenge—who must satisfy criteria such as numerosity, commonality, and typicality—states inherently represent all residents within their borders. Because states cannot pursue class-action lawsuits, their distinctive ability to represent their populations must be maintained. Justice Coney Barrett's opinion ultimately upheld the states' ability to seek broad relief.

A final alternative route involves use of the Administrative Procedure Act (APA), which outlines judicial review for agency actions. Federal agencies, which make up the executive branch, are organized into departments that oversee specific policy areas. The Department of Homeland Security (DHS) is an example of one such agency. The APA states that when an agency does something—such as issuing a rule or a policy—an individual or individuals with standing can sue, and a district court judge can set aside that agency action. Justice Coney Barrett's majority opinion contained the following footnote: "Nothing we say today resolves the distinct question whether the Administrative Procedure Act authorizes federal courts to vacate federal agency action."²

In his concurring opinion, Justice Brett Kavanaugh refers to "the functional equivalent of a universal injunction—for example, by granting or denying a preliminary injunction to a putative

² *Id.*

nationwide class...by preliminarily setting aside or declining to set aside an agency rule under the APA.”³ He alludes to that possibility if all other requirements under the APA are met.

Although the APA sets a high bar for judicial review, it expressly permits challenges to agency actions that are unlawful or violate constitutional protections. The APA explicitly says it cannot be used against the president or Congress, but it can be used against federal agency action. While the president issues an executive order, it is the executive branch agencies that bear the primary responsibility for interpreting, implementing, and enforcing its provisions.

Practically, in order to follow President Trump’s birthright citizenship-related executive order, DHS would need to issue agency policy to enforce it. For example, the order specifically directs that “no department or agency of the United States government shall issue documents recognizing United States citizenship, or accept documents issued by State, local, or other governments or authorities purporting to recognize United States citizenship”⁴ to those to whom the executive order applies. Those agency actions can be reviewed by a district court judge. While the judge cannot impose a nationwide preliminary injunction against the whole executive branch, it can issue the functional equivalent against the relevant agency and prevent it from enforcing what the judge has determined to be an unconstitutional or otherwise illegal order.

What’s Next?

Birthright citizenship continues to be safeguarded from the executive order due to the [class-wide injunction](#) issued by the district court in New Hampshire. This protection covers infants born in any U.S. state and remains in effect beyond July 27, 2025. All children potentially affected by the executive order are automatically included in the certified class and do not need to take any additional action to be covered.

It is important to note that litigation is ongoing, and the core constitutional question — whether an executive branch can unilaterally modify the Citizenship Clause of the Fourteenth Amendment — has yet to be determined by any of the circuit courts of appeal or the Supreme Court. While the appeals are underway, it is likely at least one of these cases will return to the Supreme Court later this year to determine the merits of this issue. However, as litigation continues, babies born in the United States will continue to be protected and receive U.S. citizenship status.

If the executive order is ultimately implemented, it would have overwhelming consequences for agencies and individuals. An unnecessarily high burden would be placed on U.S. citizens to prove their citizenship, which has historically been proven by a state-issued birth certificate. However, by eliminating birthright citizenship, it is uncertain whether state governments or the federal government would adjudicate citizenship. Additionally, the U.S. federal administration would face significant disruption, as both state officials and federal agencies would need to navigate complex administrative hurdles to develop new procedures for enforcing the executive order. That would

³ *Id.*

⁴ Exec. Order No. 14160, 90 Fed. Reg. 8449 (2025)

result in the creation of a significant stateless population within the United States by denying citizenship to those born on U.S. soil who do not meet its criteria.

CLINIC will continue to monitor and provide updates regarding the legal challenges. For naturalization and/or birthright citizenship resources, visit CLINIC's Resources at our [Citizenship and Naturalization](#) website or our [Responding to the New Administration](#) webpage.